

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES HENRY FLOURNOY, P00154293,

Plaintiff,

v.

MARIN COUNTY SHERIFF'S OFFICE, et al.,

Defendant(s).

Case No. [24-cv-00386-CRB](#) (PR)

ORDER OF DISMISSAL


On April 29, 2024, the court denied plaintiff's application to proceed in forma pauperis (IFP) in connection with this pro se prisoner action for damages under 42 U.S.C. § 1983 alleging that he was denied equal protection of law on December 31, 2023, when Marin County Jail officials classified him for higher security housing than his similarly situated cell mate, because plaintiff: (1) has had three or more prior prisoner actions dismissed by a federal court on the grounds that they are frivolous, malicious or fail to state a claim upon which relief may be granted, and (2) is not seeking relief from a danger of serious physical injury which was imminent at the time of filing. Apr. 29, 2024 Order (ECF No. 6) at 1-2 (applying 28 U.S.C. § 1915(g)). Under the law of the circuit, the court afforded plaintiff 28 days to show cause why § 1915(g) does not bar IFP status for him or pay the requisite \$ 405.00 filing fee. The court made clear that failure to show cause or pay the requisite \$ 405.00 filing fee within the designated time would result in dismissal of this action without prejudice to bringing it in a new paid complaint. *Id.* at 2.

More than 40 days have passed since the court's April 29, 2024 order and plaintiff has not shown cause why § 1915(g) does not bar IFP status for him, paid the requisite filing fee or sought an extension of time to do so. The instant action accordingly is DISMISSED without prejudice to bringing it in a new paid complaint.

The clerk is instructed to close this case and terminate all pending motions as moot.

IT IS SO ORDERED.

Dated: June 10, 2024


CHARLES R. BREYER
United States District Judge